

The Honorable Richard A. Jones
The Honorable James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

No. 2:16-cv01655-RAJ-JPD

DECLARATION OF MELINDA
HASEGAWA

FILED UNDER SEAL

I, Melinda Hasegawa, declare and state:

1. I am over eighteen years of age. I have personal knowledge of the facts contained in this declaration and am otherwise competent to testify to the matters in this declaration.

2. I am employed as Designated Mental Health Professional ("DMHP") by King County Crises and Commitment Services. I have been a full time DMHP since 2010. DMHPs are hired through a merit-based process following an open job posting.

3. I am a licensed, Clinical Social Worker in the State of Washington. I have held my professional licensure since June 6, 2003. I have a Masters Degree in Education Agency Counseling from Seattle University. Each year I complete at least 36 hours of certified

1 education credits in my field. During my career, I have worked with assault survivors, been a
2 crisis line counselor, support group leader and coordinator, and worked with homeless,
3 developmentally disabled, and mentally ill clients.

4 4. A DMHP is charged with the responsibility of evaluating individuals in crisis to
5 determine if they meet criteria for civil commitment under the Involuntary Treatment Act (ITA),
6 which is codified at RCW 71.05. The DMHP position is established by the ITA statute and the
7 case law surrounding the civil commitment process. As a DMHP, I am required to be familiar
8 with the ITA statute, pertinent case law, and other court requirements, as well as the mental
9 health and risk assessment issues that surround involuntary civil commitment.

10 5. The primary role of a DMHP is to undertake a neutral investigation of persons
11 referred for possible civil commitment under the ITA and make an unbiased determination of
12 whether the person meets the statutory and constitutional requirements for civil commitment.
13 Under the legislative objectives of RCW 71.05.010, a DMHP is required to consider a number of
14 competing interests:

15 (1) To prevent inappropriate, indefinite commitment of mentally disordered
16 persons and to eliminate legal disabilities that arise from such commitment;

17 (2) To provide prompt evaluation and timely and appropriate treatment of persons
18 with serious mental disorders;

19 (3) To safeguard individual rights;

20 (4) To provide continuity of care for persons with serious mental disorders;

21 (5) To encourage the full use of all existing agencies, professional personnel, and
22 public funds to prevent duplication of services and unnecessary expenditures;

23 (6) To encourage, whenever appropriate, that services be provided within the
community;

(7) To protect the public safety.

1 Throughout my career as a DMHP, I have done my best to follow the legal directives that govern
2 ITA civil commitment.

3 6. A person generally comes to the attention of the DMHP through a referral from an
4 outside agency or a private party. Common referral sources included the courts, community
5 mental health providers, police, jails, probation, and community corrections. In any given day,
6 the DMHPs would consider a large volume of referrals due to the population of King County.
7 After the referral was screened, an individual DMHP would be assigned to investigate the case,
8 and where possible, interview the person under consideration for possible civil commitment.

9 7. There are two primary routes to bring about a civil commitment – Non-emergent
10 Detention and Emergent Detention. Although the statutory procedures and criteria changed
11 somewhat over my career, these two general routes to civil commitment remained constant. The
12 vast bulk of civil commitments initiated by the DMHPs are emergent, meaning that the person is
13 being evaluated for immediate detention for up to a 72 hour period of evaluation and treatment.
14 Immediate detention is necessary in situations where a person is currently suffering from a
15 mental condition that is so severe that it creates an imminent risk of harm to self or others that
16 cannot be addressed through community mental health treatment services. Under RCW
17 71.05.153, if the statutory and constitutional criteria for an emergent detention is satisfied, a
18 DMHP has the statutory authority (without prior court authorization) to effect the detention of a
19 person for up to 72 hours for evaluation and treatment. If the legal criteria for commitment are
20 satisfied, the decision on whether to commit an individual is always up to the discretion of the
21 DMHP.

22 8. In contrast, Non-emergent Detention for 72 hour detention under RCW 71.05.150
23 requires court action before a person can be detained for civil commitment. A Non-emergent

1 Detention is initiated through a petition filed by the DMHP following a neutral investigation and
2 interview of the patient. The patient remains free in the community until and unless the court
3 found probable cause to grant the petition and order a 72 hour detention. Due to limited
4 resources, the DMHPs process very few Non-emergent Detention cases and focus resources on
5 the Emergent Detention cases.

6 9. The referral and investigation of a person for civil commitment under the ITA is
7 memorialized in files maintained by King County Crisis and Commitment Services. A file is
8 kept each person referred for possible civil commitment, which records facts about the person
9 and the civil commitment investigation. It is prepared and maintained by employees of Crises
10 and Commitment Services. In performing my duties as a DMHP, I generally rely on the
11 information that is contained in this file. A copy of the Crises and Commitment Services file
12 related to Mr. Canty is attached as Exhibit 1. DMHP Gail Bonicalzi took the intake for this case
13 but I conducted the investigation and made the decision regarding Emergent Detention.

14 10. [REDACTED]
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5 15. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 16. In considering Mr. Canty's detention under the ITA, I considered his case
14 dispassionately, without any personal animus, and using my professional judgment. Mr. Canty
15 was unknown to me prior to coming in contact with him on July 9, 2016. It was my sole desire
16 to follow the dictates of the ITA. In accord with the purposes of the ITA, he was committed for
17 72 hours so that he could be fully evaluated and treated for his mental condition, and not present
18 any further danger to himself or others. I had, and have, no ill will or feeling of personal animus
19 against Mr. Canty, nor did his commitment benefit me in any way.

20 I declare under penalty of perjury of the laws of the United States and the State of
21 Washington that, to the best of my knowledge, the foregoing is true and correct.
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2 DATED this 16 day of August, 2017.

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DECLARATION OF MELINDA HASEGAWA (2:16-
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